

TO:	Chairman and Members	DATE:	November 18, 2010
SUBJECT:	FY 2009-2010 STC Compliance Monitoring and Program Status Report	AGENDA ITEM:	J
RESOURCE PERSON:	Evonne Garner	ACTION: INFORMATION:	X

Summary:

This agenda item will provide a statistical report on the activities of the Standards and Training for Corrections Program for fiscal year 2009-2010 in addition to a report on agency compliance for the same reporting period.

Background:

Fiscal Year 2009-2010 Statistical Report

Pursuant to Article 2, Section 6035 of the Penal Code and Title 15, Sections 100-355 of the California Code of Regulations, the Corrections Standards Authority is responsible for the implementation of selection and training standards for personnel employed in local corrections agencies. The Standards and Training for Corrections (STC) Division has carried out these responsibilities on the Board’s behalf since 1980. This agenda item reports, for FY 2009-2010, the results of the activities undertaken by the STC Division to accomplish these assigned responsibilities.

Attachment A provides data reflecting the number of:

- participating agencies for FY 2009-2010
- participating staff by category
- job applicants tested using CSA’s selections examinations by position
- newly hired staff completing entry training courses by position
- training hours by type of training and job classification
- staff training hours received by category

These tables also provide comparative data for FY 2008-2009.

Compliance Review Process

In accordance with section 6035 of the Penal Code and Section 318 of the California Code of Regulations, STC is required to monitor participating agencies’ adherence to standards and compliance with policies and procedures of the STC Program on an annual basis. The purpose of this compliance monitoring process is to assure that each agency operates in accordance with its approved and funded Annual Training Plan (ATP), the program regulations, and the law.

The monitoring process consists of taking a random sample as follows:

- (1) In agencies with 30 or fewer STC eligible positions, all staff are included in the sample;
- (2) In agencies with 31 to 999 STC eligible positions, at least 10%, but in no case less than 30 positions are included in the sample;
- (3) In agencies with 1000 or more STC eligible positions, at least 5% of STC eligible positions are included in the sample.

In addition, each department administrator is required to review their department's compliance status and report any compliance problems to STC staff. Any individual identified by a department as a compliance issue is added to the sample.

All individual training records are monitored for program eligibility, valid certification of courses attended, training hours required for compliance, training hours actually received, and special or out-of-state certifications granted. Rosters and/or certifications are verified for all training being claimed for credit. This information is used to determine individual and departmental compliance.

Compliance Monitoring Findings Summary

During FY 2009-2010, 174 agencies participated in the STC Program. Of those participating agencies, 165 are local agencies and nine are Community Corrections Facilities (CCF) under contract to the CDCR. This total reflects the withdrawals during the fiscal year of Bar "O" Boys Ranch which was incorporated into Del Norte County Probation Department, Palm Springs Police Department which is no longer operating its jail, and the closures of four CCFs.

During the months of July through September of 2010, STC staff conducted on-site monitoring of the training records of all participating agencies. In total, 77 participating agencies were found to be in Full Compliance, 85 were in Substantial Compliance, and 12 agencies were Out of Compliance in accordance to their ATP's and the STC regulations, policies and procedures. That figure is split by local agencies and CCFs in the table below:

	Full Compliance	Substantial Compliance	Out of Compliance	TOTAL AGENCIES
Local Agencies	75	83	7	165
CCFs	2	2	5	9
TOTAL	77	85	12	174

CCFs are reviewed annually based on their contractual agreement with the California Department of Corrections and Rehabilitation. These facilities are not eligible for funding but are required to adhere to the selection and training standards established by the CSA.

Substantial Compliance

STC policy requires that the CSA Board approve a Substantial Compliance finding for every local agency. CCFs are excluded because they do not receive funding.

Each training file with a compliance issue was evaluated on a case-by-case basis as required by the CSA policy. The impacted agencies provided information regarding the reasons why staff were not in full compliance with standards and described the actions they took to correct the problem. Staff then identified whether the agency was in Substantial Compliance by applying the policy adopted by the CSA Board for Substantial Compliance, which states:

If an agency fails to meet full compliance with training and selection standards it may be found in substantial compliance based on the following criteria:

1. an employee's significant unanticipated leave at the end of the fiscal training year made it impractical to complete the required training;
2. an employee was absent from work for 6 months or more within the fiscal training year;
3. a personnel problem involving an employee but the participating agency has taken positive steps to correct the problem;
4. an innocent error (e.g., record keeping error, clerical error, computer data-entry error, etc.); or,
5. the number of staff or the number of hours lacking for full compliance is insignificant compared to the agency's total training obligation, and this occurred despite the agency's exercising due diligence in the management and oversight of the training program.

In addition to the above criteria, other unforeseen or extraordinary circumstances can be considered such as the cancellation or non availability of core courses.

As a result of this review, 83 local agencies are recommended for Substantial Compliance consideration under the policy.

Out of Compliance

Agencies with compliance issues that did not meet the criteria for Substantial Compliance were found to be Out of Compliance. 12 participating agencies were found to be Out of Compliance with the requirements of the STC Program. Of those 12, seven are local agencies and five are CCFs. Of the seven local agencies, five are in their first year of Out of Compliance and two are in their second year of Out of Compliance.

Attachment C contains a listing of all local and CCF departments Out of Compliance, the number of eligible staff; the minimum required training hours, and the number of staff that failed to meet the training standard. Attachment D provides an illustrative overview of compliance history for all participating agencies. The fiscal years of 2003/2004-2005/2006 involved a period of no funding to the agencies and annual reviews were conducted for that period by reporting the percentage of total staff that met training standards.

Following are the mandatory sanctions adopted by the Board for local agencies found to be out of compliance:

- First-Year: Notice to department head and respective county CAO; detailed ATP; corrective action plan; quarterly on-site technical review; regular quarterly allocation.
- Second-Year: Notice to department head and county CAO; detailed ATP; comprehensive corrective action plan; quarterly on-site STC monitoring; retroactive allocation of funds on a quarterly basis if the department is in compliance with their approved training plan.
- Third-Year: Deny department participation in the STC Program for one year.

In accordance with STC policies and procedures the seven local agencies that were found to be out of compliance for FY 2009-2010 are required to submit corrective action plans to remedy the problems in the succeeding fiscal year.

Recommendation/Action Needed:

1. Staff recommends that the Board approve those local departments listed on Attachment B in Substantial Compliance as having met the Board's criteria for successful participation in the Standards and Training for Corrections Program.